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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,857	12/31/2001	Nicholas Sauriol	56130.000072	5328

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EXAMINER

FERGUSON, KEITH

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/029,857	Applicant(s) SAURIOL ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2617	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

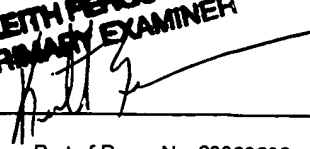
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-25.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

KEITH FERGUSON
PRIMARY EXAMINER


Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 11 and 21, applicants arguments that Kesling does not teach receiving the signal over a cellular transmission network at a first transceiver station configured to output the radio programming signal. Explanation: the examiner respectfully disagrees because Kesling teaches a targeting advertisement system wherein the satellite transmits advertisements to all radios (20) that are enable (paragraph 0072 line 1 through paragraph 0073 line 7), and for an accurate location of the targeted radio (20) and a geographic location of the target radio which the satellite broadcast is received is from the cellular system which the wireless link is taking place (paragraph 0072 line 1 through paragraph 0076 line 10). Argument: Applicant submits that Kesling satellite transmission network is not the same as a cellular transmission network. Explanation: Examiner agrees with applicant. However, Kesling cellular network used for targeting advertising is broadcast by satellite transmission within a cellular network to deliver the advertisement to radio (20). Argument: Regarding claim 1, Applicant alleges that there is no teaching or motivation to combine Lee, Timm and Sklar. Explanation: Examiner respectfully disagrees, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. It is not necessary that the reference actually suggest, expressly or in so many words the changes or improvements that applicants has made. The test for combine references is what the references as a whole would have suggested to one of ordinary skill in the art. Regarding claims 1, 22 and 23, Lee et al. discloses a receiver (vehicle radio)(fig. 1 number 20) for receiving a radio programming signal broadcast over a cellular transmission network (col. 5 lines 55-61 and col. 6 lines 24-51), the receiver (fig. 1 number 20) comprising: an input (gateway transceiver) (fig. 2 number 130) for receiving the radio programming signal (col. 8 lines 40-45); an audio output (speakers) for delivering an audible portion of the radio programming signal (fig. 2 number 152 and col. 8 lines 47-51); and processor means (fig. 2 number 50) for processing the radio programming signal (col. 8 lines 28-54). Timm et al. teaches an automobile radio-cassette unit for FM radio stereo reception which provides broadcast announcements to a speaker 14 and earphones (KH1 and KH2) (col. 4 line 54 through col. 5 line 36), the earphone are infrared wireless connection to the automobile radio-cassette unit (col. 5 lines 56 through col. 6 line 2). Sklar et al. teaches a moving receiver capable of receiving a broadcast signal and distribute (retransmit) the broadcast signal to passengers seat stations or terminals (abstract, col. 2 lines 40-50 and col. 7 line 10 through col. 8 line 16). The motivation for combining Lee with Timm and Sklar is for the multimedia device to allow passengers of the vehicle to receive AM/FM music, video and television in private, so that additional passengers are not disturbed, which the Lee reference lacks. Argument: Regarding claim 1, applicant alleges that Sklar does not teach a feature or functionality for transmitting a radio programming signal to a second receiver configured to deliver an audible portion of the radio programming signal and retransmit the radio programming signal. Explanation: Examiner agrees with applicant, see previous paragraph above. Argument: Regarding claim 16, applicant alleges neither Timm nor Sklar alone or in combination teaches transmission means for transmitting the radio programming signal to a second receiver configured to:and retransmit the radio programming signal. Explanation: Examiner agrees with applicant. Regarding claim 16, Kesling et al. teaches a system (fig. 2) for receiving and transmitting a radio programming signal over a cellular transmission network (paragraph 0012 line 1 through paragraph 0018 line 22), comprising: input means (antenna) for receiving the radio programming signal (fig. 4 number 110); output means (high power wireless module)(fig. 4 number 700) which consist of speakers (paragraph 0063 through paragraph 0067) for delivering the radio programming signal (paragraph 0063 through paragraph 0067); transmitting means (high power wireless module)(fig. 4 number 700) for transmitting the radio programming signal(paragraph 0063 through paragraph 0067); and processing means (system controller) (processor) for processing the radio programming signal (fig. 4 number 800). Sklar and Timm only teaches the claim limitations which the Kesling et al. lacks which can be combine as a whole to address applicants claimed invention.